

AMENDMENTS TO THE DRAWINGS

Please replace the drawing sheet 5 containing Fig. 5 with the attached Replacement Sheet.

REMARKS

Claims 7-20 are pending in this application, with claims 7 and 12 being written in independent form. By this Amendment, claims 7, 10 and 12 are amended and claim 20 is added. No new matter is added.

I. Priority Document:

Applicant respectfully requests acknowledgement of receipt of the priority document forwarded to the USPTO from the WIPO, a copy of which is available at the USPTO PAIR website.

II. Drawings:

Fig. 5 is objected to for containing a typographical error. As Fig. 5 is amended to correct the error as shown in the attached Replacement Sheet, withdrawal of the objection to the drawings is respectfully requested.

III. Specification:

The specification is amended to include section headings as requested by the Examiner, including an Abstract that commences on a separate sheet.

IV. Claim Objections:

Claims 12 and 13 are objected to due to minor typographical and grammatical errors. As claims 12 and 13 are amended to correct those errors, withdrawal of the objection is respectfully requested.

V. Claim Rejections-35 U.S.C. §112:

Claims 7-11 and 13-19 are rejected under 35 U.S.C § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

As the claims are amended in manner believed to be fully responsive to the rejection of the claims under 35 U.S.C. § 112, second paragraph, withdrawal of the rejection is respectfully requested.

VI. Claim Rejections-35 U.S.C. § 102:

Claims 7, 9, and 11-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by GB 2 246 955. Applicant respectfully traverses this rejection.

Copus fails to disclose each and every feature recited in the rejected claims. For example, Copus fails to disclose an atmospheric electric acupuncture device, comprising a feedback unit connectable between the object and the ion generator and being adapted to control exposure and dose of ions to the object being treated, and an insulating cover adapted to the position beneath the object.

Copus relates to a device for destroying microorganisms by an electrical means. In Copus, a generator A may include a current limiting device and produces a voltage between a positive pole B and a negative pole C. The poles are connected via wires to a probe and an electrode. In use, the electrode is held in a patients hand and the probe is used to direct negative air ions from a needle attached to the probe to a site of infection in an effort to destroy microorganisms. In an embodiment, the apparatus may be modified to treat larger areas, for example stationary or moving beds that carry fruit or vegetables (page 2, Figs. 1 and 3 of Copus).

It is alleged in the Office Action that the generator of Copus corresponds to claimed negative ion generator and that the current limiting device, which is within the generator, is alleged to correspond to the feedback unit recited in the rejected claims. However, as disclosed in Copus, the box represented as "A" may contain a generator that incorporates a current limiting device. Thus, Copus does not disclose a feedback unit connectable between the object to be treated and the ion generator. Rather, it appears from the disclosure of Copus that the generator and the current limiting device are one in the same unit. Moreover, there is no support in the specification of Copus for the allegation that a current limiting device is a feedback unit.

Further, as Copus relates to controlling a current which drives the generator, Copus does not necessarily control a dose of ions to the object. Because, ions are transmitted from a generator and may spread widely into ambient space the object to be treated would only be exposed to a portion of the ions. In contrast, according to amended claim 1, the feedback unit is connectable between the object and the ion generator, thereby making it possible to determine the actual ion exposure to the object and not just an amount of current flowing to an ion generator.

Additionally, Copus is silent regarding an insulation cover. It is alleged in the Office Action that the bed marked "M" in Fig. 3 inherently discloses an insulating cover. However, as Copus merely discloses a bed upon which fruits and vegetables may rest as they pass beneath the Copus device, there is certainly nothing inherent that such a bed is an insulating cover as recited in rejected claims.

As Copus fails to disclose all of the claimed features, the rejection is respectfully requested.

Claims 7-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 6,549,808 to Gisel et al. ("Gisel"). Applicant respectfully traverses this rejection.

Gisel fails to disclose each of the features recited in the rejected claims. For example, Gisel fails to disclose a feedback unit connectable between the object and the ion generator ion being adapted to control an exposure and dose of ions to the object being treated, and an insulating cover adapted to be positioned beneath the object.

Gisel relates to a device for electrically existing tissue at target locations in the body (column 2, lines 40-43). In Gisel, the device 10 includes a power unit 14 connected to a head set 12 via a wire 36, 38 (Fig. 1). The headset 12 includes electrodes 20, 22 that are positionable to contact a surface of a head of a patient 16.

It is alleged in the Office Action that the transformer/regulator 52 within the power unit 14 corresponds to the claimed feedback unit. However, as the optional transformer/regulator 52 is in fact part of the power unit 14 which would necessarily correspond to the negative ion generator, Gisel fails to disclose a feedback unit connectable between the object and the ion generator. Moreover, the transformer/regulator 52 is not adapted to control an exposure and dose of ions to the object being treated. Rather, the optional transformer/regulator 52 provides an increase voltage differential (voltage differential between the negative lead 50 and the positive lead 48) and is presented by the battery 40 (column 5, lines 28-31).

It is further alleged in the Office Action that the frame 18 of the headset 12 corresponds to the insulating cover recited in the rejected claims. However, as the headset 12 is not adapted to the positioned beneath the object to be treated, the headset 12 fails to correspond to the insulating cover as alleged in the Office Action.

Further, in Gisel, when the power unit 14 is used in an ion therapy mode, the voltage source is used to simultaneously place an equal charge on each electrode 20, 22 thereby obtaining

an equal potential so that current may flow through the body. Thus, Gisela fails to disclose or relate to a feedback unit being connectable between the object and the ion generator to determine exposure.

CONCLUSION

In view of the above, Applicant earnestly solicits reconsideration and allowance of all of the pending claims.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted
HARNES, DICKY, & PIERCE, P.L.C.

By: _____
John A. Castellano, Reg. No. 35,094
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/JWF:lmg